THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21527 of 2007

Date:11-10-2007

Between:

Madaka Ramunaidu and nine others

…Petitioners

AND

The District Collector, Visakhapatnam and three others

Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in considering the representation of the petitioners in issuing the pattadar pass book to the 4th respondent, as illegal and arbitrary and consequently direct the official respondents to follow the due procedure of law in issuing the pattadar pass book in fvour of the 4th respondent with regard to property in village Sy.No.9/2 of Jerripothulapalem, Pendurthi mandal, Visakhapatnam District.

It is the case of the petitioners that they are the owners and possessors of the small extents of lands in Sy.No.9/2 of Jerripothulapalem, Pendurthi mandal, Visakhapatnam District. While so, the petitioners came to know that the respondent No.4 has applied for grant of pattadar pass book and title deed in respect of Sy.No.9/2 Jerripothulapalem, Pendurthi mandal, Visakhapatnam District. Having come to know about the same, the petitioners have made a representation, dated 18.08.2007 before the second respondent.

I am not inclined to express any opinion as to whether the petitioners have any right, title, interest or possession over the said land. But, however, if the petitioners have any right, title or interest, the second respondent is under obligation to consider the objections before issuing any title deeds in favour of the

4th respondent or any other persons. Though it is stated that the petitioners have made a representation, dated 18.08.2007, there is no proof of making such representation.

Having regard to the facts of the case, the petitioners are

directed to make a fresh representation before the second respondent. On such filing fresh representation or if the representation, dated 18.08.2007 said to have been filed before the second respondent is pending, the second respondent shall consider and dispose of the same before issuing the pattadar pass book in respect of the land in question in Sy.No.9/2 in favour of the 4th respondent or any other person, in accordance with law.

With the aforesaid observations, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:11.10.2007
ccm